REMARKS

The Non-Final Office Action dated December 19, 2005, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. OBVIOUSNESS REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1-20 are currently pending in this application. On pages 2-7 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freeman et al. (U.S. Publication No. 2002/0059137, hereinafter "Freeman") in view of Broadbent et al. (U.S. Publication No. 2005/0197953, hereinafter "Broadbent"). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Further, as stated in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, a̲l̲l̲ the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970).

A. Freeman & Broadbent fail to teach or suggest all of the claimed limitations

Regarding claims 1-20, the Examiner asserts that Freeman discloses "an online mortgage application processing and tracking system comprising receiving mortgage approval application data from an end user device, wherein the mortgage approval application data is entered into the end user device by a borrower (p.2: 16); forwarding the mortgage approval application to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system receives at least one of the plurality of mortgage approval applications (p.2: 16, 21; p.3: 38; and p.5: 57); receiving at least one decision from the at least one decision based on the mortgage approval application (p.6: 58); forwarding the at least one decision to the borrower device (p.6: 58)" as recited in independent claims 1 and 10. *See* Office Action at p. 2-3. The Examiner also asserts that Freeman further discloses "forwarding the at least one decision to the borrower device, wherein the at least one decision comprises at least one universal approval, designation of at least on mortgage loan program, the terms and conditions of the designated at least one mortgage program, and an indication of the best fit mortgage loan program for the borrow (p.6: 60 and p.7: 73-74)" as recited in independent claims 19 and 20. *See* Office Action at p. 3-4.

Further, the Examiner asserts that Broadbent remedies the deficiencies in Freeman by disclosing "a method and corresponding system for mortgage loans comprising creating a plurality of mortgage approval applications comprising the mortgage approval application data (p.5, 60-69)."

However, Applicant respectfully disagrees. Applicant respectfully submits that neither Freeman nor Broadbent, alone or in combination, teaches or suggests any feature or functionality comprising a receiver device for "**receiving mortgage approval application data from a borrower device, wherein the mortgage approval application data is entered into the borrower device by an individual borrower**" as expressly recited in independent claims 1, 10, 19, and 20 (emphasis added). Furthermore, Applicant respectfully submits that neither Freeman nor Broadbent, alone or in combination, teaches or suggests any feature or functionality comprising an application creating module for "**creating a plurality of mortgage approval applications comprising the mortgage approval application data**" as expressly recited in independent claims 1, 10, 19, and 20 (emphasis added), and further teaching or suggesting that "**wherein the application creating module creates the plurality of mortgage approval applications without intervention from the borrower**" as expressly recited in claim 10 (emphasis added).

Freeman, for example, discloses an online mortgage application system but fails to teach or suggest an online mortgage application processing and tracking system comprising "a receiver device for receiving mortgage approval application data from a borrower device, *wherein the mortgage approval application data is entered into the borrower device by an individual borrower*". Rather, Freeman discloses – as evidenced by the excerpts referenced by the

Examiner – a system where a "mortgage originator" (e.g., a mortgage broker), **not** the individual

borrower, provides the application data:

> The *mortgage originator typically enters mortgage loan application data* into its
> local computer which has been programmed with loan origination software
> (LOS). There are many such programs and the present invention is designed to
> accommodate all of the major ones. An example of a common version of LOS is
> the program CONTOUR. This step, namely entering loan application data
> manually into a computer using the LOS, is not part of the present invention in all
> of its preferred embodiments; nor is the present invention dependent on the
> mortgage originator having LOS or a particular brand of LOS. As will be
> described, loan application data may be keyed in directly, without the need for
> loan origination software.

See Freeman at ¶ 39 (emphasis added). Applicant submits that having a mortgage originator

enter loan application data in the manner disclosed by Freeman is **not** the same as having the

application data entered by the borrower, as required by the pending claims.[1] Thus, Applicant

respectfully submits that Freeman does not teach or suggest a receiver device for receiving

mortgage approval application data from a borrower device, wherein the mortgage approval

application data is entered into the borrower device by an individual borrower, as expressly

recited in claim 10.

In addition, Applicant respectfully submits that Freeman, as acknowledged by the

Examiner, fails to teach or suggest, "*creating a plurality* of mortgage approval applications

comprising the mortgage approval application data" as recited in claims 1, 19, and 20 and

"wherein the application creating module *creates the plurality* of mortgage approval

---

[1] In stark contrast to the claimed systems and methods which aim to enhance the
borrower's experience during the loan application process, Freeman discloses systems and
methods that facilitate the process for *mortgage originators or brokers*, and thus is patentably
distinguishable from the pending claims.

applications *without intervention from the borrower*" as further recited in claim 10. *See* Office

Action at p. 5.

Not only does Freeman fail to disclose **_creating_** mortgage applications, the reference fails

to discloses creating **_a plurality_** of mortgage approval applications. For example, Freeman

merely discloses – as evidenced by an excerpt in the reference – populating a **_single_** application

with the application data entered:

> When a loan application or other related data has been entered, either by
> importing it or keying the data, the present system uses the data to
> populate all fields in all parts of **_a mortgage loan application_** file
> employing hypertext markup language (HTML). If there are errors in the
> data, a message will be sent to the user. Otherwise, the originator will see
> the data displayed on the web site for confirmation as soon as it is entered.
> The originator can change information directly on the web page and then
> save the data (via EDIT APPLICATION) when satisfied that the data are
> correct.

See Freeman at ¶ 54. (emphasis added). Even assuming, for the sake of argument, that Freeman

discloses creating a plurality of mortgage applications, Applicant respectfully submits that

Freeman does not disclose the application creating module creates the plurality of mortgage

approval applications **_without intervention from the borrower_** as expressly recited in the claim.

Here, the Examiner's interpretation of Freeman does not work because it requires user

intervention (e.g., the user creating the plurality of applications). Thus, Applicant submits that

Freeman does not teach or suggest "creating a plurality of mortgage approval applications

comprising the mortgage approval application data, wherein the application creating module

creates the plurality of mortgage approval applications without intervention from the borrower."

Applicant respectfully submits that Broadbent fails to remedy the deficiencies in

Freeman. Broadbent, for example, discloses a mortgage loan originator compliance engine

but fails to teach or suggest "creating a plurality of mortgage approval applications comprising

the mortgage approval application data, wherein the application creating module creates the

plurality of mortgage approval applications *without intervention from the borrower*." Rather,

Broadbent discloses – as evidenced by an excerpt of the reference – that the borrower and the

loan originator work together throughout the loan origination process:

> In an embodiment of the System, the Borrower and Loan Originator **work together** throughout the loan origination process. Once a Borrower decides to **work with** a Loan Originator on the System, the System will have the Borrower **and** Loan Originator answer typical financial and property questions concerning the Borrower. The answers to these questions will allow the System to pre-qualify the Borrower for a loan and offer appropriate loan program options to the Borrower. Once the System makes this information available to the Borrower **and** Loan Originator, the Borrower will be able to choose to make a formal mortgage loan application on-line **through** the Loan Originator.

See Broadbent at ¶ 58. Accordingly, Applicant submits that Broadbent does not teach or suggest

"creating a plurality of mortgage approval applications comprising the mortgage approval

application data, wherein the application creating module creates the plurality of mortgage

approval applications without intervention from the borrower."

In addition, Applicant respectfully submits that neither Freeman nor Broadbent teach or

suggest other features and functionalities as expressly recited in the independent claims.

For example, the Examiner further states that Freeman discloses "a transmitter

forwarding device for forwarding the at least one decision to the borrower device (p. 6 : 58)."

Applicant respectfully submits, however, that Freeman merely teaches that the "status of the loan

on the detail page changes when the underwriting report comes back." Moreover, Applicant

submits that any loan status provided by Freeman is sent to the *originator*, **not** to the *borrower*

device, as required by the pending claims. Accordingly, Applicant respectfully submits that

Freeman does not teach or suggest a transmitter forwarding device for forwarding the at least one decision to the borrower device.

Applicant also submits that Broadbent does not disclose a forwarding module for "forwarding the *plurality of mortgage approval applications* to a *plurality of underwriting systems*, wherein each mortgage underwriting system receives at least one of the plurality of mortgage approval applications" as expressly recited in independent claims 1, 10, 19, and 20. In contrast, Broadbent discloses – as evidenced by an excerpt in the reference – that the borrower and the originator *select one mortgage application to be forwarded to one underwriting system*:

> After a consultation between the Borrower and Loan Originator, the Borrower will then be able to *select a loan program* -or request the System to find the most advantageous interest rate available from the various lender options. The System and staff will select *a loan product and submit the application* to the appropriate *lender* for approval and distribute on-line results back to the Borrower and Loan Originator, together with a complete set of underwriting conditions...

See Broadbent at ¶ 59. Accordingly, Applicant respectfully submits that Broadbent does not disclose a forwarding module for "forwarding the plurality of mortgage approval applications to a plurality of underwriting systems, wherein each mortgage underwriting system receives at least one of the plurality of mortgage approval applications."

B. Lack of motivation to combine Freeman and Broadbent

Further, Applicant respectfully submits that the Office Action does not present a proper motivation to combine the references to achieve the claimed systems and method, and thus has failed to set forth a *prima facie* case of obviousness. In particular, Applicants respectfully submit that the allegation that one of ordinary skill in the art would have modified Freeman "to allow the user to have additional options to allow for the underwriting process to go as smoothly as possible" is <u>unfounded</u> in the teachings of either Freeman or Broadbent. Applicants

respectfully submit that such an alleged motivation is improperly based on <u>hindsight</u> from viewing the pending claims. Furthermore, Freeman makes no suggestion that it would benefit from or seeks to enhance the borrower's experience, while Broadbent fails to offer any suggestion that it would improve on or enhance Freeman's systems and methods for allowing a *mortgage originator* to process a loan application online. Their combination therefore is improper.

C. Dependent claims

Claims 2-9 and 11-18 are dependent upon independent claim 1 or 10. Thus, since independent claims 1 and 10 should be allowable for the reasons discussed above, claims 2-9 and 11-18 should also be allowable at least by virtue of their dependency on independent claim 1 or 10. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, Freeman does not teach or suggest the steps of presenting a questionnaire to the individual, wherein the mortgage approval application data received is generated at the end user device in response to the questionnaire, as recited in dependent claim 8 and 17. As stated above, Freeman discloses systems and methods that involve interaction with a mortgage originator, <u>not</u> the individual borrower. Accordingly, Applicant submits that Freeman does not disclose presenting a questionnaire to the individual as required by claim 8 and 17.

The Examiner further acknowledges in the Office Action that "Freeman does not disclose...the mortgage approval application decision further comprises a universal non-limited mortgage approval...wherein the individual selects at least one of the group of: a) the terms and conditions from a predetermined underwriting system; b) a link for connecting the at least one mortgage approval application decision to an appropriate lender, and c) a link for accessing an

appropriate lenders website" as recited in dependent claims 4-7 and 13-16. *See* Office Action at p. 5-6. Broadbent does not discloses any of these features and/or functionalities and therefore the reference also does not make up Freeman's deficiencies in this regard.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-20 be withdrawn.
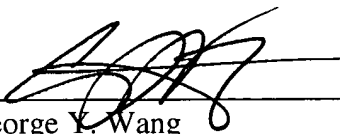
II.   CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: _____
George Y. Wang
Registration No. 58,637

For: Ozzie A. Farres
        Registration No. 43,606

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
Date: June 16, 2006